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10/075,095

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Rick Otensack

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EXAMINER

INGVOLDSTAD, BENNETT

ART UNIT

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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/075,095

Applicant(s)

OTENASEK ET AL.

Examiner

BENNETT INGOLDSTAD

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 22 May 2008 regarding the remote content review/control site have been fully considered but are moot in view of the new rejections.
2. The examiner took Official Notice for claims 4 and 8 in the previous action that the AVI digital video format was a well known digital video format. Applicant has challenged the Official Notice and demanded the support of a citation. The Son reference is provided as evidence supporting the examiner's rejections.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-3, 5-7, 9, 11, 13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew (US 7069310) in view of Carden (US 7263655).

Claim 1: Bartholomew discloses a system for distributed maintenance and publishing control of a library of multimedia works for public access over the internet [Abstract], comprising:

a central server accessible over a distributed communication backbone for storing a central library of multimedia works that one or more users have submitted for public access distribution (storage 350 [Fig 3] containing database of media files from user locations [col. 8, l. 47-62]);

an administrator site for maintaining the central library of multimedia works stored at the central server (application server 330 [Fig 3] manages files 470, 490 [Fig 4] [col. 9, l. 11-19]), wherein maintaining the central library of multimedia works includes tagging each of the multimedia works with an abstract [col 16, l 15-17] and storing the tagged multimedia works [col 15, l 55-65] and the associated abstracts [col 16, l 15-23] in the central library;

a catalog of available multimedia works intermittently compiled from the abstracts stored in the central library, wherein the catalog is maintained at the administrator site (database listing for accessing media files [col. 12, l. 26-35]);

Bartholomew does not disclose a remote content review/control site as claimed.

Carden discloses a system for reviewing, editing, and publishing uploaded multimedia documents [col. 1, l. 19-25] comprising:

a remote content review/control site [col. 3, l. 10-16] that intermittently polls the catalog of available multimedia works maintained at the administrator site (the database 101 maintained by server 105 including administrator module 107 [Fig 1]) to ascertain when new multimedia works have become available (reviewer is notified when a new work becomes available [col. 3, l. 10-16]), the

remote content review/control site allowing a reviewing authority that operates the remote content review/control site to edit the abstract (edit the document [col. 1, l. 24] which includes an abstract 1014 [Fig 10A]) and view a real-time stream of each multimedia work in the catalog [col. 5, l. 16-24], wherein the reviewing authority must approve each multimedia work made available for public access and the remote content review/control site sends a publication approval message to the network administrator site to indicate when the reviewing authority approves one or more of the multimedia works in the catalog for public access (reviewer writes a publication recommendation email which is forwarded to a BOE for a final decision before publication [col. 9, l. 9-14 & 29-37]), thereby making the approved multimedia works available for public access through the administrator site [Abstract].

It would have been obvious to have used the video reviewing system with Bartholomew's video upload system for the purpose of reviewing and editing the uploaded videos before publication.

Claim 2: Bartholomew in view of Carden discloses the system of claim 1, wherein said central library of multimedia works stored at the central server is maintained in an SQL database [Carden col. 8, l 20].

Claim 3: Bartholomew in view of Carden discloses the system of claim 1, wherein said central library of multimedia works stored at the central server is

maintained in a uniform digital video format (files are encoded in a standard format before uploading [Bartholomew col. 12, l. 7]).

Claim 5: Bartholomew discloses a method for distributed maintenance and publishing control of a library of multimedia works for public access over the internet [Abstract], comprising:

providing a web portal at a central upload site that independent multimedia producers can use to upload multimedia works for public access distribution (web site for uploading videos [col. 9, l. 46-51]);

performing pre-processing on each of the multimedia works uploaded to the central upload site, wherein the pre-processing includes verifying one or more of a file format (user plugin verifies format [col. 12, l. 2-7]), a file size (using compression [col. 11, l. 51-65], a file type (video format [col. 12, l. 2-7]), a file name, or a file extension for each of the multimedia works submitted for public access distribution, tagging each of the multimedia works with an abstract [col 16, l. 15-23], and storing the tagged multimedia works [col 15, l 55-65] and the associated abstracts in a database of multimedia works ... [col 16, l 15-23];

Bartholomew does not further disclose sending an administrative alert, maintaining a catalog of works needing approval, or a remote content review/control site.

Carden discloses a system for reviewing, editing, and publishing uploaded multimedia documents [col. 1, l. 19-25] comprising:

sending an administrative alert to an administrator for each multimedia work added to the database of multimedia works needing approval [col. 9, l. 15-27];

maintaining a catalog of available multimedia works intermittently compiled from the abstracts stored in the database of multimedia works needing approval (new/outstanding manuscripts list 1101, 1102 [Fig 11]); and

intermittently polling the catalog of available multimedia works from a remote content review/control site to ascertain when new multimedia works have become available (for notifying reviewers [col 3, l. 10-16]), the remote content review/control site allowing a reviewing authority that operates the remote content review/control site to edit the abstract (edit the document [col. 1, l. 24] which includes an abstract 1014 [Fig 10A]) and view a real-time stream of each multimedia work in the catalog [col. 5, l. 16-24], wherein the reviewing authority must approve each multimedia work made available for public access and the remote content review/control site sends a publication approval message to the central upload site to indicate when the reviewing authority approves one or more of the multimedia works in the catalog for public access (reviewer writes a publication recommendation email which is forwarded to a BOE for a final decision before publication [col. 9, l. 9-14 & 29-37]), thereby making the approved multimedia works available for public access through the web portal at the central upload site [Abstract].

It would have been obvious to have used the video reviewing system with Bartholomew's video upload system for the purpose of reviewing and editing the uploaded videos before publication.

Claims 6 and 7 are rejected as indicated for claims 2 and 3 respectively.

Claim 9: Bartholomew discloses a method for distributed maintenance and publishing control of a library of multimedia works for public access over the internet [Abstract], comprising:

uploading digital multimedia works from one or more independent multimedia producers to a central upload site for public access distribution (web site for uploading videos [col. 9, l. 46-51]);

tagging each uploaded digital multimedia work with an abstract that includes one or more of a media category, a media subject (information describing content [col. 16, l. 9-22]), a media date, a media runtime, a media author, or a media rating;

Bartholomew does not further disclose a database of works needing approval or a remote content review/control site.

Carden discloses a system for reviewing, editing, and publishing uploaded multimedia documents [col. 1, l. 19-25] comprising:

storing the tagged digital multimedia works and the associated abstracts in a database of digital multimedia works needing approval on a web-enabled network server (in database 101 for review [Fig 1]);

intermittently polling the abstracts in the database of digital multimedia works needing approval to compile a catalog of available digital multimedia works at the web-enabled network server (new/outstanding manuscripts list 1101, 1102 [Fig 11]); and

maintaining a remote content review/control site for reviewing and controlling availability of the digital multimedia works for public access, the remote content review/control site intermittently polling the catalog of available digital multimedia works at the web-enabled network server to ascertain when new digital multimedia works have become available (for notifying reviewers [col 3, l. 10-16]), the remote content review/control site allowing a reviewing authority that operates the remote content review/control site to screen each digital multimedia work in the catalog by viewing the abstract (edit the document [col. 1, l. 24] which includes an abstract 1014 [Fig 10A]) and a real-time stream of the screened digital multimedia work [col. 5, l. 16-24], wherein the reviewing authority must approve each digital multimedia work made available for public access (reviewer writes a publication recommendation email which is forwarded to a BOE for a final decision before publication [col. 9, l. 9-14 & 29-37]), whereby the remote content review/control site operates as a gatekeeper to screen the digital multimedia works to be made available for public access [Abstract].

It would have been obvious to have used the video reviewing system with Bartholomew's video upload system for the purpose of reviewing and editing the uploaded videos before publication.

Claim 11: Bartholomew in view of Carden further discloses the method of claim 9, further comprising providing public access to the real-time stream for all of the digital multimedia works made available for public access [Bartholomew col 15, l. 55-65].

Claim 13: Bartholomew in view of Carden further discloses the system of claim 1, wherein maintaining the central library of multimedia content further includes verifying one or more of a file type, a file size, a file name, a file extension, or a file format for each of the multimedia works submitted for public access distribution prior to the multimedia works being stored in the central library (preprocessing includes compressing a file size and transcoding to a standard file type [col. 11, l. 52 – col. 12, l. 7]).

Claim 15: Bartholomew in view of Carden further discloses the system of claim 1, wherein each of the abstracts associated with the tagged multimedia works includes one or more of a media category, a media subject (information describing content [Bartholomew col. 16, l. 9-22]), a media date, a media runtime, a media author, or a media rating.

Claim 16: Bartholomew in view of Carden further discloses the system of claim 15, the remote content review/control site further allowing the reviewing authority to designate a new media category and subsequently assign one or more of the multimedia works in the catalog to the new media category (users with access to the database [Bartholomew col 12, l. 26-35] such as reviewers [Carden] can create a category of files that are similar to a selected file [Bartholomew col 12, l. 26-35]).

Claim 17: Bartholomew in view of Carden further discloses the system of claim 15, the remote content review/control site further allowing the reviewing authority to designate one or more of the multimedia works in the catalog to be showcased on web pages corresponding to the media category (users such as reviewers [Carden] can create customized category web page lists [Bartholomew col 16, l. 59-67]).

Claim 18: Bartholomew in view of Carden further discloses the system of claim 1, the remote content review/control site further allowing the reviewing authority to designate one or more of the multimedia works in the catalog to be showcased on a homepage for the multimedia works approved for public access (page at file serving location [Bartholomew col 15, l. 55-65; col 12, l. 19-35]).

3. Claims 4, 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew (US 7069310) in view of Carden (US 7263655) and Son (US 7159233).

Claims 4 and 8: Bartholomew in view of Carden discloses that uploaded works are stored in a uniform digital video format as indicated in the claim 3 rejection.

Bartholomew in view of Carden does not disclose that the uniform digital format is the AVI format.

Son discloses that a digital format for uploading and storing videos for distribution may be the AVI format [col 3, l. 21-42].

Therefore it would have been obvious for the uniform digital format to have been the AVI format due to the utility of the AVI format for storing video.

Claim 14: Bartholomew in view of Carden discloses that the reviewing authority that operates the remote content review/control site is a service provider [Carden col. 2, l. 1].

Bartholomew in view of Carden does not disclose that the service provider is a cable television service provider as claimed.

Son discloses that a system for streaming VOD may be implemented by a cable service provider [col. 1, l. 47-49].

Therefore it would have been obvious for the service provider to have been a cable television service provider for the purpose of streaming the uploaded videos as VOD to user televisions.

4. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew (US 7069310) in view of Carden (US 7263655) and Tota (US 7308413).

Claim 10: Bartholomew in view of Carden does not disclose that the videos may be submitted to the web site by mailing video tapes in NTSC format.

Tota discloses a method for submitting video content [Abstract] comprising receiving one or more mailed video tapes in NTSC format from one or more independent multimedia producers and digitizing the NTSC video tapes to create the digital multimedia works uploaded to the central upload site (video tapes are submitted via mail [col. 17, l. 40-45] [col 18, l. 58-67]).

Claim 12: Bartholomew in view of Carden does not disclose that submitters must agree to a waiver.

Tota discloses such a waiver/disclaimer [col. 13, l. 57-67].

It would have been obvious to have required a waiver for the purpose of preventing the creator of the content from exercising copyright.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENNETT INGOLDSTAD whose telephone number is (571)270-3431. The examiner can normally be reached on M-Th 8-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bennett Ingvaldstad/
Examiner, Art Unit 2623

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623